

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR-09-00775 SBA
Plaintiff,) ORDER GRANTING STIPULATED
v.) REQUEST TO CONTINUE HEARING
JUAN OCTAVIANO LOPEZ,) DATE TO MARCH 6, 2012 AND TO
aka Juan Octavio Lopez Ortiz,) EXCLUDE TIME UNDER THE SPEEDY
aka Juan Lopez Gomez,) TRIAL ACT
aka Manuel Vargas, and)
GLENDY GOMEZ,) Date: February 7, 2012
aka Glendy Elizabeth Gomez,) Time: 10:00 a.m.
Defendants.) Court: Hon. Saundra Brown
Armstrong

The parties jointly requested that the hearing in this matter be continued from February 7, 2012 to March 6, 2012 at 10:00 a.m., and that time be excluded under the Speedy Trial Act between February 7, 2012 and March 6, 2012.

The requested continuance will provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the continuance in order to review the discovery and the evidence, evaluate the plea agreement in light of the discovery and the evidence, and to meet and confer with his client to discuss the discovery and the evidence and to determine whether or not to prepare and file motions in this STIP. REQ. TO CONTINUE HEARING TO MARCH 6, 2012 AND TO EXCLUDE TIME
No. CR-09-00775 SBA

1 case and/or to proceed to trial. Counsel for defendants Lopez and Gomez have scheduling
2 conflicts deriving from other cases between the date of this stipulation and March 6, 2012.

3 Additionally, new lead counsel for the United States has taken over the prosecution of
4 this matter. The requested continuance will allow new counsel for the United States time to
5 evaluate the evidence in this case, as well as mitigating information provided by counsel for
6 defendant Gomez. Although not relevant for purposes of the requested time exclusion, the
7 parties hope to reach plea agreements before March 6, 2012. The parties agreed that the
8 extension is not sought for delay. The parties further agreed the ends of justice served by
9 granting the continuance outweigh the best interests of the public and the defendant in a speedy
10 trial.

11 For these stated reasons, the Court finds that the ends of justice served by granting the
12 continuance outweigh the best interests of the public and the defendant in a speedy trial. Good
13 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

14 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from February
15 7, 2012 to March 6, 2012 at 10:00 a.m. before this Court, and that time between February 7,
16 2012 and March 6, 2012 is excluded under the Speedy Trial Act to allow for the effective
17 preparation of defense counsel, taking into account the exercise of due diligence.

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19 DATED: 2/6/12



HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge

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